

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11679 of 2013

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1. Awadhesh Kumar Yadav Son Of Sri Ram Nandan Yadav Resident Of Village- Pararia, P.O.- Pandaria, P.S. Kutumba, District- Aurangabad
 2. Bindeshwari Prasad Singh Son Of Late Dharmraj Singh Resident Of Village And P.O. Dhira, P.S. Obera, District- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government Of Bihar, Patna
3. The Director, Primary Education, Government Of Bihar, Patna
4. The District Magistrate, Aurangabad District- Aurangabad
5. The District Teacher Employment Appellate Authority, Aurangabad, Through The Presiding Officer
6. The Deputy Development Commissioner, Aurangabad, District- Aurangabad
7. The District Education Officer, Aurangabad, District- Aurangabad
8. The District Programme Officer (Establishment), Aurangabad, District- Aurangabad
9. The Sub Divisional Officer, Aurangabad, District- Aurangabad
10. The Block Development Officer, Kutumba, District- Aurangabad
11. The Block Education Officer, Kutumba, District- Aurangabad
12. The Block Pramukh, Kutumba Block, District- Aurangabad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 5827 of 2013

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1. Md. Noorain Siddiquee Son Of Md. Hasnain Siddiquee Resident Of Village - Raham Bigha, P.O. Parta, P.S. Amba, District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government Of Bihar, Patna
3. The Director, Primary Education, Government Of Bihar, Patna
4. The District Magistrate, Aurangabad, District - Aurangabad
5. The District Teacher Employment Appellate Authority, Aurangabad Through The Presiding Officer
6. The Deputy Development Commissioner, Aurangabad, District - Aurangabad
7. The District Education Officer, Aurangabad, District - Aurangabad
8. The District Program Officer (Establishment), Aurangabad, District - Aurangabad
9. The Sub-Divisional Officer, Aurangabad, District - Aurangabad
10. The Block Development Officer, Kutumba, District - Aurangabad
11. The Block Education Officer, Kutumba, District - Aurangabad
12. The Block Pramukh, Kutumba Block, District - Aurangabad

.... Respondent/s

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Appearance :

(In CWJC No. 11679 of 2013)

For the Petitioner/s : Mr. V. K. Singh & Mr. Pankaj Kumar Singh

For the Respondent/s : Mr. Patanjali Rishi, A.C. to AAG 6.

(In CWJC No. 5827 of 2013)

For the Petitioner/s : Mr. V. K. Singh & Mr. Pankaj Kumar Singh

For the Respondent/s : Mr. Ravi Kumar, A.C. to G. P.13.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-09-2016

Heard learned counsel for the petitioners and
learned counsel for the State.

2. Since the issue involved in both the writ applications are the same, they have been heard together and are being disposed of by this common order.

3. Petitioners of both the writ applications claiming to be physical trained persons applied for the post of Physical Trained Teachers under Kutumba Block. When they were not selected, they approached the District Teacher Employment Appellate Authority, Aurangabad. The claim of the petitioners has been rejected by the District Teachers Employment Appellate Authority on the ground of limitation. The Appellate Authority has committed an illegality in rejecting the claim of the petitioners on the ground of limitation.

4. There should have been two separate panels, one for the general teachers and another for the physical trained persons. There can not be amalgamation of the two panel as the qualification

of both the class of candidates are quite different. Physical trained persons cannot be compared with the persons who have B. Ed. degree as the person who has obtained physical training degree cannot be appointed as a general teacher. The Appellate Authority has not considered the appeal of the petitioners on this line and has rejected the appeal of the petitioners as time barred.

5. In such view of the matter, the matter is remanded back to the District Teachers Employment Appellate Authority, Aurangabad which is directed to decide the claim of the petitioners on its own merit without being prejudiced by the order of this Court within six months from the date of receipt/production of a copy of this order. However, it is made clear that this Court has not expressed any opinion on the merits of the case.

6. Both the writ applications stand disposed of with the direction aforesaid.

(Shivaji Pandey, J)

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